**UNITED STATES DISTRICT COURT**
**DISTRICT OF MINNESOTA**

Wilson Tindi,

Petitioner,

v.

Todd Blanche, Attorney General; Markwayne Mullin, Secretary of Homeland Security; David Venturella, Acting Director of U.S. Immigration & Customs Enforcement; David Easterwood (named in prior pleadings as "David Eastwood"), Field Office Director for Enforcement and Removal Operations; and Joel Brott, Sheriff of Sherburne County,

Respondents.

Case No. 0:26-CV-04311

**RENEWED VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

**EXPEDITED HANDLING REQUESTED PURSUANT TO 28 U.S.C. § 1657**

## INTRODUCTION

1. On August 20, 2026, this Court granted Petitioner Wilson Nduri Tindi habeas relief from detention that "lacked a lawful predicate when it began," ordered his immediate release, and ordered that Respondents "may not continue Petitioner's present detention on the basis of the August 25, 2025 Form I-200 or the arrest effected pursuant to that warrant." Doc. 25 at 4. Respondents released him on August 22, 2026, "on his own recognizance and with a check." Doc. 27.

2. Thirty-nine days later, on September 30, 2026 at or around 10:30-11:00 AM, ICE officers stopped Petitioner while he was driving to help his mother at her office and took him back into custody. He had not been charged with any new offense.

Respondents served no written notice revoking the release they had effected, gave him no opportunity to contest a revocation, and have issued no individualized custody determination.

3. When Petitioner was arrested by ICE on September 30, 2026, and as he was being processed, the ICE agents' supervisor he was dealing with informed him that the only reason he was re-arrested was because he had a serious criminal conviction and ICE wanted him back in their custody.

4. The Court's Order permits a later arrest "pursuant to lawful authority and in compliance with applicable statutory and regulatory requirements." Doc. 25 at 4. Petitioner accepts that boundary. This renewed Petition asks whether the September 30 re-arrest satisfied it. It did not.

5. Respondents released Petitioner on recognizance, the form of conditional release the § 1226(a) framework provides. Once ICE releases a person under that framework, it may return him to custody only through a revocation decision by an official the regulation authorizes. 8 C.F.R. § 236.1(c)(9); see 8 U.S.C. § 1226(b). No such decision was made or served. Re-detention without revocation of a § 1226 release is unlawful. *Mohamed A. v. Blanche*, No. 26-cv-2799 (JMB/DTS), Doc. 31 at 12–13 & n.7 (D. Minn. June 18, 2026).

6. Respondents cannot cure that defect by invoking § 1226(b). That provision authorizes the Government to revoke a release and "rearrest the alien under the original warrant." 8 U.S.C. § 1226(b). The original warrant here is the August 25,

2025 Form I-200, which this Court held could not support Petitioner's detention. Doc. 25 at 2, 4.

7. Nor have Respondents established new and independently lawful arrest authority. Officers displayed a document they described as a warrant, but undersigned counsel does not have a copy. If Respondents rely on a new Form I-200, they must show that an authorized officer issued it before the arrest and that its stated basis is true. 8 C.F.R. §§ 236.1(b)(1), 287.5(e)(2). Without a valid warrant, the arrest was lawful only if officers had reason to believe Petitioner was "likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). The Magistrate Judge found nothing in the record "to even insinuate Petitioner was a flight risk," Doc. 20 at 10, and this Court held that the record did not establish that he was likely to escape, Doc. 25 at 2.

8. The re-arrest also violates the Due Process Clause. A person released from custody and living at liberty in reliance on that release may not be returned to confinement without notice and a meaningful opportunity to be heard. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Young v. Harper*, 520 U.S. 143, 147–48 (1997). Petitioner received neither.

9. Habeas is "at its core a remedy for unlawful executive detention," and "[t]he typical remedy for such detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Petitioner respectfully requests that the Court order his immediate release without new conditions and enter prospective relief so that the release this Court ordered does not again last only weeks.

10. In accordance with 28 U.S.C. §§ 1657(a) and 2243, Petitioner requests an Order to Show Cause directing Respondents to file a return within three days certifying the true cause of his detention and producing the documents on which they rely, including any warrant used for the September 30, 2026 arrest and any decision revoking his August 22, 2026 release.

**THIS COURT MAY ADJUDICATE THIS RENEWED PETITION**

11. Petitioner brings this renewed Petition in this action because it challenges detention by the same Respondents, arising from the same custodial relationship this Court adjudicated, and because the lawfulness of the re-arrest turns in part on paragraph 5 of this Court's August 20, 2026 Order. Doc. 25 at 4.

12. A court that would have jurisdiction over a habeas petition filed as a new case also has jurisdiction to consider a renewed petition filed in a closed habeas action. *Riky A.M.L. v. Blanche*, No. 26-cv-1429 (JRT/JFD), Doc. 75 at 5 (D. Minn. Sept. 16, 2026). The habeas statute likewise directs the Court to "dispose of the matter as law and justice require." 28 U.S.C. § 2243.

13. This Petition is not barred as successive. Section 2244(a) applies to "the detention of a person pursuant to a judgment of a court of the United States." 28 U.S.C. § 2244(a). Petitioner is held by executive action, and every claim in this Petition arises from a re-arrest that occurred after the Court entered judgment.

14. Petitioner does not seek to reopen or relitigate the Court's judgment. Should the Court prefer that this Petition proceed under a separate case number, Petitioner respectfully requests that the Court direct the Clerk to open a new related action

using this Petition as the initiating document, without requiring refiling, so that no time is lost.

## JURISDICTION AND VENUE

15. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241. A writ of habeas corpus may issue where a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (holding that "§ 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention").

16. Petitioner challenges the legal authority for his present physical custody. He does not challenge his removability or the order of removal now on appeal, and he does not ask this Court to review a discretionary custody decision. No custody decision has been made. This Court exercised jurisdiction over the same custodial question in this action. Docs. 20, 25.

17. Venue is proper in this District. Upon information and belief, Petitioner is confined at the Sherburne County Jail in Elk River, Minnesota, and his immediate custodian, Respondent Brott, is within this District. See 28 U.S.C. § 2241(a).

## PARTIES

18. Petitioner Wilson Nduri Tindi is a native and citizen of Kenya. He was admitted to the United States on November 25, 2005, and became a lawful permanent resident on April 15, 2014. Doc. 12-1 ¶¶ 4–5. His alien registration number is A[redacted]

☒ Upon information and belief, he is presently detained at the Sherburne County Jail in Elk River, Minnesota.

19. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the head of the Department of Justice. He shares responsibility for implementation and enforcement of the immigration detention statutes and is a legal custodian of Petitioner.

20. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of Homeland Security. He is responsible for the administration of the immigration laws under 8 U.S.C. § 1103(a), supervises the St. Paul ICE Field Office, and is a legal custodian of Petitioner.

21. Respondent David Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. He is responsible for Petitioner's detention.

22. Respondent David Easterwood, named in prior pleadings in this action as "David Eastwood," is sued in his official capacity as the Field Office Director for the St. Paul Field Office of ICE Enforcement and Removal Operations. He has supervisory authority over the officers who re-arrested and now detain Petitioner. The St. Paul Field Office is located at 1 Federal Drive, Fort Snelling, Minnesota 55111.

23. Respondent Joel Brott is sued in his official capacity as the Sheriff of Sherburne County. Upon information and belief, Petitioner is detained at the Sherburne County Jail, and Sheriff Brott exercises immediate day-to-day control over him.

## EXHAUSTION

24. No statute requires exhaustion of administrative remedies before a noncitizen challenges the lawfulness of immigration detention under 28 U.S.C. § 2241.

25. This Court has already declined to require exhaustion in this action. Respondents argued that Petitioner should have requested a bond hearing. The Court held that a bond hearing addresses whether a person lawfully in custody should remain detained, while the habeas claim asked the antecedent question whether ICE had lawful authority to take him into custody. "A bond hearing does not answer that question nor does it cure an arrest that was unlawful when made." Doc. 25 at 2.

26. The same is true here. Whether ICE lawfully revoked the release it effected, whether the re-arrest complied with this Court's Order, and whether the re-arrest comported with due process are not questions an Immigration Judge decides in a custody redetermination. Requiring Petitioner to pursue one would prolong the detention he challenges without resolving it.

## FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

***Petitioner's Residence and Immigration History***

27. Petitioner was admitted to the United States at New York, New York, on November 25, 2005, as a B-2 visitor. Doc. 12-1 ¶ 4. He adjusted to lawful permanent resident status on April 15, 2014. *Id.* ¶ 5. He has lived in this country for more than twenty years. His mother is a naturalized United States citizen. Doc. 12-5 at 4.

28. Removal proceedings DHS initiated against Petitioner in 2016 were terminated by the Board of Immigration Appeals on July 17, 2018, after the Eighth Circuit vacated the Board's decision and remanded. Doc. 20 at 2–3.

***The 2025 Arrest and This Court's Judgment***

29. On August 25, 2025, an ICE supervisory officer issued a Form I-200 warrant for Petitioner's arrest. Doc. 12-1 ¶ 11; Doc. 12-2. On August 28, 2025, ICE officers stopped Petitioner as he returned home in his own vehicle and arrested him. Doc. 12-1 ¶ 12. On August 29, 2025, DHS issued a Notice to Appear charging him as removable under 8 U.S.C. § 1227(a)(1)(A), on the theory that he was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) when he adjusted status. Doc. 12-3 at 1, 4.

30. On October 7, 2025, an Immigration Judge ordered Petitioner removed to Kenya. Doc. 12-4. Petitioner timely appealed to the Board of Immigration Appeals on October 10, 2025. Doc. 12-1 ¶ 16. That appeal remains pending.

31. Petitioner filed this habeas action pro se on June 16, 2026, and amended his petition on June 22, 2026. Docs. 1, 6.

32. On July 30, 2026, the Magistrate Judge recommended that the Amended Petition be granted. Doc. 20. The Report and Recommendation found that the I-200 was issued before the Notice to Appear and therefore did not authorize Petitioner's arrest, that the record did not support a warrantless arrest under 8 U.S.C. § 1357(a)(2), and that "there is nothing in the record now before the Court to even insinuate Petitioner was a flight risk." *Id.* at 6–10. It recommended release and that "Respondents be

precluded from re-detaining Petitioner under a statutory theory this Court has rejected in this proceeding absent materially changed circumstances." *Id.* at 12.

33. On August 20, 2026, the Court overruled Respondents' objections, granted the Amended Petition in part, ordered Petitioner's immediate release, and ordered that "Respondents may not continue Petitioner's present detention on the basis of the August 25, 2025 Form I-200 or the arrest effected pursuant to that warrant. Nothing in this Order precludes Respondents from later arresting or detaining Petitioner pursuant to lawful authority and in compliance with applicable statutory and regulatory requirements." Doc. 25 at 4. The Court explained that "[a]uthority that may permit the Government to arrest and detain Petitioner in the future does not supply authority for detention that was unlawful in the past, when initiated." *Id.* Judgment was entered on August 21, 2026. Doc. 26.

***Release on August 22, 2026***

34. Respondents released Petitioner on August 22, 2026, at approximately 1:00 p.m. Doc. 27. According to Respondents, he "was released on his own recognizance and with a check." *Id.* The Court's Order directed Petitioner's release from custody. It did not authorize Respondents to attach conditions to that release.

35. After his release, Petitioner returned to his life in Minnesota. He has not been charged with any new criminal offense.

***The September 30, 2026 Re-Arrest***

36. On September 30, 2026, Petitioner was driving to help his mother at her office. He was driving lawfully, committed no traffic violation, and held a valid driver's license.

37. ICE officers stopped him. The officers knew who he was. Petitioner believes they followed him from his home.

38. In a parking lot, before transporting him to Fort Snelling, an officer showed Petitioner a document the officers described as a warrant for his arrest. Petitioner recalls that the document bore a time of approximately 10:41 a.m. and that the only basis it stated for his arrest was a pre-printed checkbox reciting, in general terms, that he is removable.

39. Undersigned counsel does not have a copy of that document.

40. Officers transported Petitioner to the ICE office at Fort Snelling. Upon information and belief, he is now detained at the Sherburne County Jail.

41. Respondents did not serve Petitioner with any written notice revoking his August 22, 2026 release or stating the grounds for revocation, and did not give him an opportunity to contest a revocation before re-detaining him. Upon information and belief, no official identified in 8 C.F.R. § 236.1(c)(9) made a decision to revoke that release.

42. Respondents have not served Petitioner with a Form I-286, Notice of Custody Determination, or with any other custody determination. No neutral decisionmaker has considered whether his re-detention is justified.

43. Petitioner's removal proceedings are in the same posture they were in when this Court ordered his release. His appeal remains pending before the Board of Immigration Appeals.

## LEGAL FRAMEWORK

***Habeas Corpus and the Return***

44. A writ of habeas corpus may issue where a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Habeas is "at its core a remedy for unlawful executive detention." *Munaf*, 553 U.S. at 693.

45. A court entertaining a habeas application "shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted." 28 U.S.C. § 2243. The writ or order "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed," and the respondent "shall make a return certifying the true cause of the detention." *Id.*

***Arrest, Release, and Revocation Under 8 U.S.C. § 1226***

46. "On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Pending that decision, the Government "may continue to detain the arrested alien" or "may release the alien" on bond or conditional parole. *Id.* § 1226(a)(1)–(2); see 8 C.F.R. § 236.1(c)(8).

47. A Form I-200 may issue "[a]t the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed." 8 C.F.R.

§ 236.1(b)(1). "A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter." *Id.*

48. Release under § 1226 ends only through revocation. The statute provides that the Government "at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien." 8 U.S.C. § 1226(b). The implementing regulation provides that when a person "having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of" specified supervisory officials, "in which event the alien may be taken into physical custody and detained." 8 C.F.R. § 236.1(c)(9).

49. Courts in this District hold that ICE may not re-detain a person released under § 1226 without first revoking that release, and that re-detention without revocation violates both the regulations and the Due Process Clause. *Mohamed A. v. Blanche*, No. 26-cv-2799 (JMB/DTS), Doc. 31 at 12–13 & n.7 (ordering release where "no official made any individualized, discretionary decision to revoke" the petitioner's § 1226 release); see *Maria L. v. Blanche*, No. 26-cv-2515 (JWB/ECW), Doc. 20 at 9 (D. Minn. Sept. 29, 2026) (noting that "[n]othing in the record shows that Petitioner's release on an Order of Recognizance was revoked in accordance with the applicable regulations"). An agency must follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954).

***Warrantless Arrest Under 8 U.S.C. § 1357(a)(2)***

50. Where no valid warrant has issued, an immigration officer may arrest a noncitizen only if the officer "has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2); see *Arizona v. United States*, 567 U.S. 387, 407–08 (2012). "A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

51. The "reason to believe" standard "means constitutionally required probable cause." *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010). Where no warrant was issued, an arrest and continued detention are "lawful only if officers acted within their statutory authority for affecting a warrantless arrest." *Orellana v. Nobles County*, 230 F. Supp. 3d 934, 945 (D. Minn. 2017).

***Due Process***

52. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. That protection extends to all persons within the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

53. The process due is determined by weighing the private interest affected, the risk of an erroneous deprivation through the procedures used and the probable value of

additional safeguards, and the Government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

54. A person released from confinement and living in the community holds a liberty interest that "includes many of the core values of unqualified liberty," and its termination "inflicts a 'grievous loss.'" *Morrissey*, 408 U.S. at 482. That person "has relied on at least an implicit promise" that release "will be revoked only if he fails to live up to the" conditions of release. *Id.*; see *Young*, 520 U.S. at 147–48. Conditions of release are themselves a form of custody: they are "restraints not shared by the public generally." *Jones v. Cunningham*, 371 U.S. 236, 240 (1963).

## CAUSES OF ACTION

### COUNT I
### Re-Detention Without Lawful Revocation of Release and in Violation of This Court's August 20, 2026 Order
### 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); Doc. 25 ¶ 5; 28 U.S.C. § 2241

55. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

56. Respondents released Petitioner on his own recognizance. Doc. 27. Upon information and belief, the release instrument required him to report to ICE. Release on recognizance is a release under 8 U.S.C. § 1226, *Mohamed A.*, Doc. 31 at 13, and conditions of release are a form of custody, *Jones*, 371 U.S. at 240. See 8 U.S.C. § 1226(a)(2); 8 C.F.R. § 236.1(c)(8).

57. Having chosen to treat Petitioner as released under § 1226, Respondents could return him to physical custody only by revoking that release through a discretionary

decision of an official identified in 8 C.F.R. § 236.1(c)(9). Upon information and belief, no such official made that decision, and no written revocation was served.

58. Re-detention without revocation of a § 1226 release is unlawful, and release is the remedy. *Mohamed A.*, Doc. 31 at 12–14 & nn.7–8.

59. Respondents cannot supply the missing revocation through 8 U.S.C. § 1226(b). That provision authorizes revocation of a § 1226(a) release and re-arrest "under the original warrant." The original warrant is the August 25, 2025 Form I-200. This Court held that the warrant did not validly authorize Petitioner's arrest and ordered that Respondents "may not continue Petitioner's present detention on the basis of the August 25, 2025 Form I-200 or the arrest effected pursuant to that warrant." Doc. 25 at 2, 4. A re-arrest "under the original warrant" therefore cannot be an arrest "pursuant to lawful authority." *Id.* at 4.

60. For the same reason, to the extent Respondents contend that Petitioner violated a condition of his August 22, 2026 release, that contention rests on custody that originated in the August 28, 2025 arrest. ICE had no lawful § 1226(a) custody from which to grant conditional release, because the arrest through which it obtained custody was not authorized. Doc. 25 at 2–4. Detention premised on the release instrument or its conditions therefore rests on "the arrest effected pursuant to that warrant," which cannot supply lawful authority for detention. *Id.* at 4.

61. Either way, the September 30, 2026 re-detention was not effected "in compliance with applicable statutory and regulatory requirements." *Id.* Petitioner is in custody

in violation of the laws of the United States and of this Court's Order, and he is entitled to release.

**COUNT II**
**Re-Arrest Without Established Statutory Authority**
**8 U.S.C. §§ 1226(a), 1357(a)(2); 8 C.F.R. §§ 236.1(b)(1), 287.5(e)(2), 287.8(c)(2)(ii); 28 U.S.C. § 2241**

62. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

63. Respondents must certify the true cause of Petitioner's detention. 28 U.S.C. § 2243. If they rely on a new Form I-200, they must establish that an officer listed in 8 C.F.R. § 287.5(e)(2) issued it, that it issued before the arrest, that it was served by an officer listed in § 287.5(e)(3), and that its stated basis is true. 8 C.F.R. § 236.1(b)(1). They must also establish that it does not rest on the August 25, 2025 warrant or the arrest effected under it. Doc. 25 at 4.

64. Respondents' pre-printed recitals have not been reliable in this case. The 2025 warrant recited "the execution of a charging document" as a basis for probable cause when no charging document had issued, a recital the Report and Recommendation found "categorically false," and it recited "biometric confirmation" that could not have preceded the arrest. Doc. 20 at 8–9. Petitioner recalls that the document displayed on September 30, 2026, likewise rested on a pre-printed checkbox.

65. A warrant issued or served only after an arrest cannot justify the arrest, and a warrant that identifies no basis for its probable-cause determination is not valid. *Mohamed A.*, Doc. 31 at 14. If, as Petitioner recalls, the September 30 document stated no

basis beyond a generic recital that he is removable, it could not supply lawful authority for his arrest.

66. Absent a valid warrant, the re-arrest was lawful only if officers had reason to believe that Petitioner was likely to escape before a warrant could be obtained. 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.8(c)(2)(ii); *Quintana*, 623 F.3d at 1239; *Orellana*, 230 F. Supp. 3d at 945. They had no such reason. Petitioner was driving to his mother's office, the officers knew who he was, and, Petitioner believes, they followed him from his home. The Magistrate Judge found no record basis "to even insinuate" that he is a flight risk, Doc. 20 at 10, and this Court held that Respondents had not established that he was likely to escape when they arrested him in 2025, Doc. 25 at 2. Officers who could locate Petitioner and had time to prepare a document they described as a warrant cannot show that he was likely to escape before a warrant could be obtained.

67. Petitioner is therefore in custody in violation of the laws of the United States and is entitled to release.

**COUNT III**
**Deprivation of Liberty Without Due Process of Law**
**U.S. Const. amend. V; 28 U.S.C. § 2241**

68. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

69. Petitioner's liberty interest is substantial. He has lived in the United States for more than twenty years and has been a lawful permanent resident since 2014. This Court ordered his release after he spent nearly a year in detention that the Court held unlawful. He then lived at liberty in reliance on that order. His interest is at least as

weighty as that of a parolee. *Morrissey*, 408 U.S. at 482; *Young*, 520 U.S. at 147–48.

70. The risk of erroneous deprivation is high. Respondents gave Petitioner no written notice of revocation, no opportunity to contest it, and no custody determination, and no neutral decisionmaker has reviewed his re-detention. The only check on the re-arrest was the judgment of the same agency that, weeks earlier, had held him for nearly a year on a warrant this Court found invalid. Notice and a hearing before a neutral decisionmaker before re-detention would have tested whether anything had changed to justify confinement. That protection does not depend on whether the Government believes a condition of release has been violated. The hearing exists to decide whether a violation occurred and, if so, whether it warrants a return to confinement. *Morrissey*, 408 U.S. at 479–80, 485–89.

71. The Government's interest in proceeding without those safeguards is minimal. Respondents knew who Petitioner was and how to find him. There was no exigency. Respondents could have given notice and sought a determination before taking him back into custody. The Government has no legitimate interest in returning to confinement, without process, a person whom a federal court has ordered released.

72. This Court has applied *Mathews* to require an individualized custody determination even where a statute authorizes detention without bond. *Rafael D.C. v. Blanche*, No. 26-cv-2449 (JWB/SGE), Doc. 27 at 7–11 (D. Minn. July 24, 2026); *Maria L. v. Blanche*, No. 26-cv-2515 (JWB/ECW), Doc. 20 at 7–11. That conclusion applies with greater force to a lawful permanent resident previously released by court order.

Re-detention without revocation of a prior § 1226 release independently violates the Due Process Clause. *Mohamed A.*, Doc. 31 at 13 n.7.

1. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he is entitled to release.

**EXPEDITED CONSIDERATION**

2. Congress directs that "the court shall expedite the consideration of any action brought under chapter 153" of Title 28. 28 U.S.C. § 1657(a). This Petition is brought under 28 U.S.C. § 2241, within chapter 153.

3. Expedition is particularly warranted here. This is the second time Respondents have detained Petitioner without lawful authority, and the second detention began less than six weeks after this Court ordered the first one ended. The questions presented are discrete and turn principally on documents in Respondents' possession: the document on which they rely for the September 30, 2026 arrest, any decision revoking Petitioner's release, and any custody determination.

4. Petitioner therefore requests an Order to Show Cause directing Respondents to file a return within three days, as 28 U.S.C. § 2243 contemplates, together with the documents identified in the Prayer for Relief. Because Respondents' counsel of record will receive this Petition through CM/ECF, no summons is requested. Should the matter be referred to a Magistrate Judge, Petitioner requests that the time for objections be shortened, as it was in this action. See Doc. 20 at 11–12.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner Wilson Nduri Tindi respectfully requests that this Court:

1. Expedite consideration of this Petition under 28 U.S.C. § 1657(a), and:

    a. Issue an Order to Show Cause directing Respondents to file, within three days, a return certifying the true cause of Petitioner's detention, 28 U.S.C. § 2243;

    b. Direct Respondents to submit with their return: (i) every warrant or other document on which they rely for the September 30, 2026 arrest, with the date and time of its issuance and service and the name and title of the issuing and serving officers; (ii) all documents concerning Petitioner's August 22, 2026 release, including any Order of Release on Recognizance and any conditions; (iii) any notice or decision revoking that release, with the name and title of the official who made it; (iv) any Form I-286 or other custody determination; (v) any Form I-213 concerning the September 30, 2026 arrest; and (vi) any evidence on which they rely to establish that Petitioner was likely to escape before a warrant could be obtained; and

    c. If this matter is referred to a Magistrate Judge, shorten the time for objections to any Report and Recommendation;

2. Pending resolution of this Petition, prohibit Respondents from removing, transferring, or otherwise facilitating the removal of Petitioner from the District of Minnesota, and order Respondents to preserve all of Petitioner's personal property;

3. Declare that Petitioner's re-detention violates 8 U.S.C. §§ 1226 and 1357, 8 C.F.R. §§ 236.1 and 287.8, paragraph 5 of this Court's August 20, 2026 Order, and the Due Process Clause of the Fifth Amendment;
4. Order Respondents to release Petitioner immediately in Minnesota, with all of his personal property and without new conditions, and provide that Respondents may not administratively recharacterize the release as grounds to impose conditions, including through release on recognizance or a similar instrument, without prior notice to and authorization from the Court, consistent with the release provisions this Court has entered in other cases. See *Maria L. v. Blanche*, No. 26-cv-2515 (JWB/ECW), Doc. 20 at 14 ¶ 6(d); *Rafael D.C. v. Blanche*, No. 26-cv-2449 (JWB/SGE), Doc. 27 at 13 ¶ 6(d);
5. Order that Respondents may not rely on the August 25, 2025 Form I-200, the August 28, 2025 arrest, or any release instrument premised on the custody obtained through that arrest as a basis for detaining Petitioner;
6. To effectuate the writ, enjoin Respondents from re-arresting or re-detaining Petitioner during the pendency of his removal proceedings unless:
    a. Respondents first provide Petitioner and his counsel written notice of the factual and legal basis for the proposed re-detention; and
    b. Petitioner is afforded, before re-detention, a hearing before a neutral decisionmaker at which Respondents establish materially changed circumstances and new and independently lawful authority for custody;

7. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412; and

8. Grant such other and further relief as law and justice require. 28 U.S.C. § 2243.

Date: October 6, 2026

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**Verification by Petitioner Pursuant to 28 U.S.C. § 2242**

I hereby verify that the statements made in the attached Renewed Verified Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge and belief. I declare pursuant to 28 U.S.C. § 1746 and 28 U.S.C. § 2242 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

*/s/ Wilson Nduri Tindi* Dated: October 6, 2026
Wilson Nduri Tindi